

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
08 APR 14 AM 11:05  
CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus Omar CHAVEZ-Escalante,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

'08 MJ1125

The undersigned complainant, being duly sworn, states:

On or about **April 12, 2008** within the Southern District of California, defendant, **Jesus Omar CHAVEZ-Escalante**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Ismael A. Canto  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF APRIL, 2008

Barbara L. Major  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Jesus Omar CHAVEZ-Escalante****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

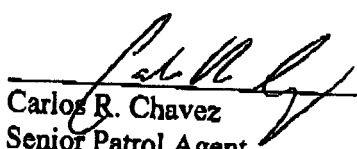
On April 12, 2008, Border Patrol Agent I. Dickey was performing line watch duties in the Imperial Beach area of operations. At approximately 3:15 a.m., Agent Dickey observed five individuals climbing over the secondary United States/Mexico International Boundary Fence and then running northbound further into the United States in an area known as "Airport Mesa". "Airport Mesa" is approximately fifty yards north of the United States/Mexico International Boundary Fence and two miles east of the San Ysidro, California Port of Entry. "Airport Mesa" is an area notoriously used by illegal aliens to further their illegal entry into the United States.

As Agent Dickey approached the group, Agent Dickey noticed an individual, later identified as the defendant Jesus Omar CHAVEZ-Escalante, guiding the group and then signaling for the group to crouch down into some brush. Agent Dickey approached the individuals and immediately identified himself as a United States Border Patrol Agent to question the individuals, including the defendant, as to their citizenship and nationality. All five individuals freely admitted that they were citizens and nationals of Mexico illegally present in the United States. All individuals, including the defendant, further admitted that they did not possess any immigration documentation permitting them to enter or remain in the United States legally. At approximately 3:30 a.m., Agent Dickey arrested the defendant and the other four individuals and had them transported to the Imperial Beach Border Patrol Station for processing.

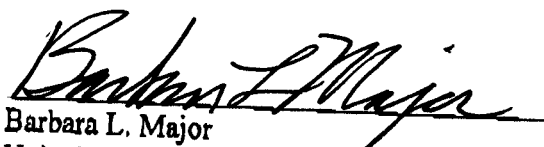
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on July 3, 2007 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on April 13, 2008 at 9:00 a.m.

  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 12, 2008, in violation of Title 8, United States Code, Section 1326.

  
Barbara L. Major  
United States Magistrate Judge

4/13/08 at 9:33am  
Date/Time